

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-1547-2017(O&M)

Date of decision:-25.9.2017

Sohan Lal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.G.C. Shahpuri, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.Satbir Rathore, Advocate
for respondent No.2.

H.S. MADAAN, J.

This revision petition is directed against the judgment/order dated 21.11.2014 passed by Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri vide which he had convicted accused Sohan Lal for the offences under Sections 420 and 120-B IPC and sentenced him to undergo simple imprisonment for a period of two years for the offence under Section 420 IPC and to undergo simple imprisonment for a period of one month for the offence under Section 120-B IPC, both the sentences were ordered to run concurrently, as well as judgment dated 7.4.2017 passed by Additional Sessions Judge, Yamuna Nagar at Jagadhri vide which the said judgment was affirmed and appeal filed by the accused –

convict was dismissed.

It is pertinent to mention here that co-accused Bhupinder Singh had died during the trial and proceedings against him stood abated.

Briefly stated, the facts of the prosecution case are that accused Sohan Lal along with his co-accused Bhupinder Singh (since dead) had cheated Rakesh Sharma complainant on the pretext of getting a job for him in railways receiving a sum of Rs.1,00,000/- from Rakesh Kumar. The accused neither procured a job for the complainant nor returned the money.

After conclusion of trial, learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri convicted and sentenced the accused as mentioned supra, the appeal preferred against the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri was also decided against the accused by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, which left petitioner – accused Sohan Lal aggrieved and he has filed the present revision petition.

Notice of the revision petition was given to the State as well as complainant and they appeared through counsel.

During the pendency of the revision petition, an application under Section 320(2) read with Section 482 Cr.P.C. for allowing the parties to compound the offences, in view of the compromise arrived at between them, resultantly to set aside the conviction and sentence and granting acquittal to the petitioner has been filed.

On filing of this application, the parties were directed to

appear in the Court of Illaqa Magistrate, Yamuna Nagar at Jagadhri so as to get their statements recorded regarding the compromise and the Magistrate was asked to send his report as to whether the parties have entered into a genuine compromise that too voluntarily without any threat or coercion and report therefrom has been received that both the parties i.e. complainant as well as accused appeared before Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri on 2.8.2017 and their statements were recorded wherein they admitted the factum of compromise. As per report of the Magistrate, statements of both the sides are quite valid since those have been recorded without fear, force, pressure, coercion, threat or inducement. Copies of those statements have been attached.

I have heard learned counsel for parties besides going through the record.

Section 320 Cr.P.C. provides that offence under Section 420 IPC is compoundable by the person cheated with the permission of the Court. The main offence is under Section 420 IPC for which the accused/convict has been sentenced to undergo imprisonment for two years whereas Section 120-B IPC deals with conspiracy part for which the accused has been sentenced to undergo simple imprisonment for a period of one month.

Nevertheless, now there is only one accused before the Court i.e. Sohan Lal, whereas other accused namely Bhupinder Singh has since died and proceedings qua him stand abated. Section 320(6) provides that a High Court or Court of Sessions acting in exercise of its power of revision under Section 401 may allow any person to compound any

offence which such person is competent to compound under this section.

In support of his contention that the offences can be compounded at the stage of appeal/revision, learned counsel for the petitioner has referred to *Sube Singh and another Versus State of Haryana, 2013(4) RCR(Criminal) 102* and *Chhota Singh Versus State of Punjab, 1997(2) R.C.R.(Criminal) 392*.

I am satisfied that offences have been compounded between the parties to keep peace and advance maintenance of tranquility in the society to promote harmonious relations between the members of society and it is found proper and appropriate to grant leave to compound the offences, therefore, such application is allowed. Accused/convict and complainant are permitted to compound the offences.

Resultantly, this revision petition is allowed and judgments passed by the Courts below are set aside by way of acceptance of revision petition, as a result, petitioner is acquitted of the charge framed against him.

25.9.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No